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STATE ALSO FOR EUR/ERA AND EUR/RUS

E.O. 12958: DECL: 12/15/2019
TAGS: [PREL](#) [PHUM](#) [COE](#) [FR](#) [RS](#)
SUBJECT: SAVVY RUSSIAN MOVES ON COE PROTOCOL 14

CLASSIFIED BY: Vincent Carver, CG, Strasbourg, State.
REASON: 1.4 (b), (d)

¶1. (U) Russian Ambassador Alekseev told Council of Europe (COE) plenary sessions December 9 and 14 that the Duma may ratify Protocol 14 in 2010 in light of written assurances that the European Court of Human Rights cannot specify how a member-state should implement court decisions. Most member-states welcomed the Russian interventions and urged a prompt ratification. The Georgian Ambassador noted that Russia had successfully turned a judicial reform matter into a political question.

¶2. (C) Comment: Russia has long been the sole hold-out regarding ratifying Protocol 14, which will reduce the number of judges needed to hear most cases from three to one, thereby easing the backlog of approximately 100,000 cases. Most observers noted that Russia remained recalcitrant given that so many of the cases dealt with alleged Russian violations of the European Convention on Human Rights, particularly in the northern Caucasus. Russia consistently replied to criticism by noting that it had signed Protocol 14, but like any functioning democracy, ratification was up to the legislative branch. By obtaining a written legal opinion that the Court cannot prescribe specific ways for a member-state to implement court rulings, Russia has succeeded in protecting itself from potential remedies it would find unpalatable. Two-thirds of member-states are needed to prescribe how a member-state implements a court decision. Moscow has already demonstrated, during the COE's 16-month discussion of the consequences of the war in Georgia, that it can convince enough member-states to continue to engage, rather than confront, Russia for this possibility to remain remote.

CARVER